IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.739 OF 1995

Philips Kamagar Sanghatahana, Pune. ...Petitioner.
Vs.
M/s.Polico Electronics & Electricals Ltd. & Ors. ...Respondents.
....
None for the Petitioner.
Mr. P.P. Chavan for Respondent No.1.
Mr. S. M. Dharap for Respondent No.2.
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**CORAM : A. P. SHAH AND**
**DR.D.Y.CHANDRACHUD, JJ.**

**June 24, 2005.**

**P.C.:**

This petition is directed against an order passed by the Industrial Court at Pune dismissing two applications, namely, Application (MRTU) Nos.3 and 4 of 1990 filed by the Petitioner seeking recognition under Section 11 of the the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. The Petitioner-Company remained absent despite notice of the Court.

We have perused the impugned order of the Industrial Court. The Industrial Court has held by its order that the Petitioner

has failed to discharge the burden of establishing that all the conditions that were requisite to the grant of an application for recognition have been established. The applications for recognition were filed by the Petitioner in relation two an industrial unit of the First Respondent, namely in relation to the factories at Bhosari and Loni-Kalbhor at Pune. The Petitioner, by the applications, had laid a claim that it had a total membership of 49% and 44% respectively for the period between July 1989 and Dec.1989. These applications were contested by the Second Respondent, which was also a Trade Union, which in turn had lodged a counterclaim for recognition. The Industrial Court rejected both the applications for recognition filed by the Petitioner and the counterclaim of the Second Respondent.The Industrial Court has inter alia come to the conclusion that the Petitioner did not satisfy the requirement prescribed by the Act of the minimum membership necessary to sustain an application for recognition. The finding of the Industrial Courtis that the Petitioner did not establish that it had the requisite 30% membership. Besides, it has been found that the Petitioner had not complied with the requirement of Section 19(ii) and 19(iii) of the Act. Having perused the Judgment and Order of the Industrial Court, we are of the view

that the findings that have been arrived at do not suffer from any illegality or perversity so as to warrant interference of this Court in its jurisdiction under Article 226 of the Constitution. In the circumstances, we do not find any merit in the petition. The petition is accordingly rejected. There shall be no order as to costs.

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